

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**ANTONIO GALLEGOS, KRISTIAN PETTINE, and
ANDRE GALLEGOS,**

Plaintiffs,

v.

Case No. 12-CV-00224 LH/KBM

**CITY OF ESPANOLA, a municipal corporation,
JOE MARTINEZ, individually and in his official capacity;
JEREMY APODACA, individually and in his official capacity;
ROBERT VIGIL, individually and in his official capacity;
CITY OF ESPANOLA OFFICERS and SUPERVISORS
JOHN DOES 1 THROUGH 10, individually and in their official
capacities,**

Defendants.

**DEFENDANTS' MOTION FOR PARTIAL SUMMARY JUDGMENT AGAINST
PLAINTIFF ANTONIO GALLEGOS ON QUALIFIED IMMUNITY GROUNDS**

COME NOW the Defendants City of Espanola, Joe Martinez, Jeremy Apodaca, Robert Vigil, City of Espanola Officers and Supervisors John Does 1 through 10, by and through their attorneys of record Basham & Basham, P.C., and hereby respectfully submit Defendants' Motion for Partial Summary Judgment Against Plaintiff Antonio Gallegos on Qualified Immunity Grounds. Opposing counsel was contacted for his concurrence to this motion, and he does/does not concur with this motion.

INTRODUCTION

Plaintiffs' Complaint seeks monetary damages for federal civil rights violations and state law tort claims. Plaintiff Antonio Gallegos alleges a § 1983 claim for purported Fourth Amendment violations in connection with his arrest on July 31, 2010. However, the *Terry* stop was supported by reasonable suspicion, and Antonio Gallegos' subsequent arrest was supported by probable cause. In addition, the individual Defendants did not violate Gallegos' clearly